IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WA.No. 2056 OF 2006()

AGAINST THE ORDER IN WPC.27698/2006 DATED 26/10/2006
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APPELLANT: PETITIONERS
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1. SHRI. A.ABDUL RAHIM,
VILAYIL PUTHEN VEEDU, PUTHENCHANTHA P.O.,
CHAVARA, KOLLAM.

2. SMT. SHAREEFA BEEVI,
VILAYIL PUTHEN VEEDU, PUTHENCHANTHA P.O.,
CHAVARA, KOLLAM.

3. SHRI. SHIHABUDEEN,
VILAYIL PUTHEN VEEDU, PUTHENCHANTHA P.O.,
CHAVARA, KOLLAM.

4. SHRI. A.NAZARUDHEEN,
VILAYIL PUTHEN VEEDU, PUTHENCHANTHA P.O.,
CHAVARA, KOLLAM.

5. SHRI. A.ABDUL LATHEEF,
VILAYIL PUTHEN VEEDU, PUTHENCHANTHA P.O.,
CHAVARA, KOLLAM.

6. SHRI. A.SHAJAHAN,
VILAYIL PUTHEN VEEDU, PUTHENCHANTHA P.O.,
CHAVARA, KOLLAM.

7. SMT. ASEELA BEEBI,
VILAYIL PUTHEN VEEDU, PUTHENCHANTHA P.O.,
CHAVARA, KOLLAM.

BY ADV. SMT.K.GIRIJA

RESPONDENTS: RESPONDENTS
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1. THE KERALA FINANCIAL CORPORATION,
   DISTRICT OFFICE, YMCA BUILDING,
   QUILON-691 001, REPRESENTED BY
   ITS CHIEF MANAGER.

2. THE DEPUTY TAHSILDAR (R.R.),
   THE KERALA FINANCIAL CORPORATION,
   QUILON.

S.C. FOR K.F.C. SRI. A.A. ABUL HASSAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 9.11.2006, THE COURT ON 21.11.2006, DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & P.R. RAMAN, J.

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W.A. 2056/2006

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DATED THIS, THE 21ST DAY OF NOVEMBER, 2006.

J U D G M E N T

Raman, J.

Appellants are the petitioners in W.P.(C) 27698/2006. This writ appeal is preferred against the interim order passed by the learned Single Judge, directing them to pay Rs. 4 lakhs within two weeks as a condition for granting stay of further proceedings for sale of the properties.

2. Admittedly, the appellants are defaulters against whom proceedings were initiated by the Financial Corporation. There is no dispute that they owe amount to the Corporation, though there may be dispute regarding the quantum. At any rate, appellants have no case that there is no liability. One of the contentions raised in para 10 of the writ petition is that when the amount stipulated in Ext.P4 being Rs. 34,75,112/- only, the Kerala Financial Corporation should not have refused to

accept Rs. 35 lakhs offered by the first petitioner towards full and final settlement of the dues. This reference is made by us only to show that the condition imposed by the learned Single Judge, for granting the interim stay, is quite reasonable and being an interim order, we do not find any valid reason to interfere with the same.

3. In such circumstances, the appeal is liable to be dismissed. At this stage, learned counsel appearing for the appellants sought for extension of time for payment of the amount as directed by the learned Single Judge and stated that the first appellant was suffering from some serious ailment and a short time of two weeks for paying the amount is hardly sufficient.

4. We heard both sides. In the factual situation, the interim order passed by the learned Single Judge will continue on condition that an amount of Rs. 4 lakhs (four lakhs) will be paid

within two months from today and to that extent the order passed by the learned Single Judge stands modified.

V.K. BALI,
(CHIEF JUSTICE)

P.R. RAMAN,
(JUDGE)

knc/-